

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

VS.

NO. 4:07CR00124

SHAWN SIMONE HARDIN

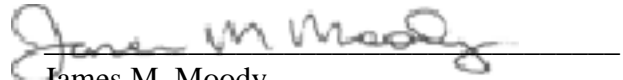
ORDER

Pending is Defendant's motion to change the method by which the balance of her sentence is served. (Docket # 39). Defendant requests that the Court allow her to serve the remaining 3 months of her sentence in home confinement. Specifically, Defendant points to 42 U.S.C. §13882 *et. seq.* wherein the Bureau of Prisons was authorized to initiate the Family Unity Demonstration Project. Defendant argues that the Bureau of Prisons has failed to effectuate the project.

A district court does not have inherent authority to modify a previously imposed sentence; it may do so only pursuant to statutory authorization. *United States v. Mendoza*, 118 F.3d 707 (10th Cir. 1997). 18 U.S.C. § 3582(c) provides only three jurisdictional grants under which a court may "modify a term of imprisonment once it has been imposed." A court may modify a sentence: (1) in certain circumstances "upon motion of the Director of the Bureau of Prisons"; (2) "to the extent otherwise expressly permitted by statute or by Rule 35 of the Federal Rules of Criminal Procedure"; or (3) in cases where the applicable sentencing range "has subsequently been lowered by the Sentencing Commission." All three provisions are inapplicable in this case.

Accordingly, Defendant's motion, docket # 39, is DENIED.

IT IS SO ORDERED this 14th day of May, 2008.

A handwritten signature in dark ink, appearing to read "James M. Moody", is written over a horizontal line.

James M. Moody
United States District Judge